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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

V.

Gildardo ROJAS-Martinez

Defendant.

Magistrate Case No.

'08 MJ 1179


COMPLAINT FOR VIOLATION OF:

**Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States**

The undersigned complainant, being duly sworn, states:

On or about, **April 6, 2008**, within the Southern District of California, defendant, **Gildardo ROJAS-Martinez** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COM

SIGNATURE OF COMPLAINANT
 Lisette Guzman, Deportation Officer
 U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF APRIL 2008.

Bachman-Meyer
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 6, 2008, the defendant identified as **Gildardo ROJAS-Martinez** was arrested by the Chula Vista Police Department, Chula Vista, California, for HS-11377 Possession Controlled Substance and HS-11364 Control Substance Paraphernalia. Defendant was later booked into city jail. While in the custody of city jail, an Immigration Agent determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

On April 16, 2008 the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE), Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that defendant **Gildardo ROJAS-Martinez** has been ordered removed from the United States by an Immigration Judge on or about December 2, 2004, and removed to Mexico, via the San Ysidro Port of Entry on December 2, 2004. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint Identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Gildardo ROJAS-Martinez**, a citizen and national of Mexico.